

Mr. Ira Glasser
ACLU
132 West 43 St.,
New York, N.Y. 10036

9/22/84

Dear Mr. Glasser,

Your solicitation letter dated September, 1984, here today, fairly states today's serious problems and, despite some disagreement with current CIA policy and lobbying if I were in a position to contribute financially, I still would because the ACLU has done much good and has deserved support. As I recall, several months ago I sent in about \$20, which is a fair percentage of my Social Security check, but I now have a substantial new drain on my limited income and cannot afford even that.

My real purpose in writing is to ask you about the ACLU's lobbying on behalf of the CIA's exemption from FOIA (and phrase it any way you will, it is this) in terms of several of your phrases in this letter, abolition of a fundamental constitutional right (page 2) and "abuse of power by the executive..." (page 1)

Do not I (and others) have a fundamental constitutional right to know what any executive agency has done and is doing?

Is there any doubt in your mind that the CIA's record in FOIA matters is "an abuse of power?"

I have no doubt that all of you were and are sincere in your beliefs relating to this bill, although I disagree with them based on my own experiences. But when there was as much opposition to your position as there was and we are nearing the end of a session of the Congress, what was the urgency, why could this not, as I suggested to Mark Lynch, be delayed until the coming session? As I see it nothing would have been lost and much might have been gained and at the least the strongly-expressed doubts of many could have been addressed.

Fear is a very self-destructive emotion or, as FDR (Judge Sam Rosenman) said, "We have nothing to fear but fear itself."

You'd have to be nut not to fear the departures from traditional American beliefs by the present Supreme Court and the Reagan administration. But fear itself is not justification for capitulation to what you anticipate of them.

That Mark Lynch did not respond when I wrote him is of no consequence because I was giving him my views and recounting the recollections of an older man who has lived through and contended with periods of reaction. And may I say, defeated reaction when it appeared to be impossible. History tells us that the one way reaction cannot be defeated is any form of collaboration with it, and as I reminded Mark, the ACLU has done that in the past and it and many decent people suffered greatly for it.

From my personal experience the CIA's records the ACLU says are immune are not and have not been immune. The CIA has both lied about them and been forced to disclose them. I have several thousand (or more) so-called operational-files pages and they are of great historical significance. I'll provide details if you want them.

From my personal experience and I believe from the CIA's record as the ACLU is well aware of its record, there is simply no basis for believing that anything will speed it up in FOIA matters. As an illustration of its persisting record with me, I enclose copies of the letter I got from it today and my response. The requested records, on and about me, made in 1971 and appealed, with the CIA asking for more time, and for information relating to the JFK assassination and its investigations, dating to 1975, with the CIA asking for more time and assuring, in writing, that all those requests would be addressed, certainly are not withheld merely because of any claimed backlog.

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 I'm aware of the general attitude ~~to~~ doubts about the JFK assassination and that there has been much nuttiness and irresponsibility, but not all is of this nature, and is there anything more genuinely ~~subversive~~ subversive than the assassination of any president? Can anything be more important to know than how, in time of crisis and thereafter, the executive agencies functioned? Or failed to function? (Side-light, the CIA itself disclosed "operational" records reflecting how close we were to World War III then and who was pushing for it. This is not important information?)

What is done cannot be undone, but the ACLU is foreclosing an enormous amount of such information. Why in the world do you think the CIA has stonewalled for almost a decade, for example?

I don't want to argue the facts of the assassination with you, but let me give you one of many available areas you may have foreclosed, and I can only wonder why when there was nothing to lose and much to gain by only a few months of delay.

Whether or not ~~Leah~~ Harvey Oswald was the assassin or an assassin, as a Marine he had no field assignment that was not related to the CIA. They required both Top Secret and Crypto clearances. This is not on his service record and his assignments to CIO operations are on his service record only as field assignments. I have the proof from ~~V. J. ...~~ Navy files. He was assigned to two of the operations against Sukarno, one of which was Strongback. *No CIA records disclosed.*

There is an enormous amount relating to illegal and I think unconstitutional CIA domestic activity that has not been disclosed, as I indicated to Mark, and he asked no questions. What was the ACLU's rush to make it permanently immune?

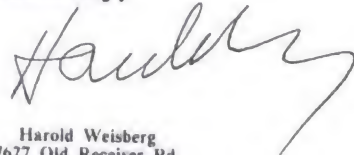
Those who disagree with the ACLU's position failed to develop what I regard as an important consequence of its success, police statism. The enabling act precludes domestic operations by the CIA. Now Reagan has by fiat given it that responsibility. I think it is obvious that when the CIA expects permanent immunity it will be encouraged to even greater wrongful domestic activity - the full nature of which in the past is far from exposed. But isn't what has been exposed bad enough to give you pause, make you worry, in the context of your own language in this letter? Have you not undertaken, regardless of what was in your (plural) mind, to immunize its past, its present and its future excesses? Why? And why the rush?

The Times reported that you had appointed a committee to assess the matter and inform you. If this is in writing I'd appreciate a copy.

This reminds me, as I told Mark, of the time when the ACLU forgot the constitution and endorsed the red scare, only to see that most of its victims were not reds and without regard to the rights of the minuscule number who were Communists. That is not a period in which the ACLU distinguished itself and I fear that, regardless of what was in your collective minds, you have done it again. I'm so sorry!

There is no compromise with principle that can be accepted if one is really dedicated to our traditional and I think great beliefs. I hope that no matter how afraid you (plural) may get in the future you will remember what history teaches us, that compromise with reaction is, inevitably, capitulation to it.

Sincerely,



Harold Weisberg
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